IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No. 56606 of 2005
and Crl.Revision No.1935 of 2005

DATE OF DECISION: SEPTEMBER 21, 2006

Malkiat Singh

...PETITIONER

VERSUS

Sukhdev Singh and others ....RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.S.Jattana, Advocate,
for the petitioner.

...

The petitioner, who is the complainant, has filed this criminal revision against the judgment dated 3.6.2005 passed by the JMIC, Barnala whereby the accused/respondents No.1 to 6 have been acquitted of the charges framed against them. This revision is barred by limitation.

I have heard the counsel for the petitioner on merits also and gone through the impugned judgment.

In this case, on the complaint made by the petitioner, which was forwarded to the concerned SHO by the Judicial Magistrate under Section 156(3) Cr.P.C., FIR No.59 dated 26.12.1998 was registered against accused respondents No.1 to 6 under Sections 420/468/467/471/120-B IPC at Police Station Sehna. As per the allegations made in the complaint, accused respondents No.1 to 4 in conspiracy with accused respondents No.5 and 6 had tampered with the revenue record with intention to take undue benefit. It was further alleged that in column No.9 of the jamabandi for the year 1963-64, a change was made from “1/2 share GALA WA NEERA” to “GAIR MARUSI WITHOUT RENT AS PURCHASER”.

The trial Court after taking into consideration the evidence led by the prosecution came to the conclusion that though a change was made in the said jamabandi for the year 1963-64, but from the evidence it has not been proved that the said entry was made by accused respondents No.5 and 6 as those persons at that time were not working in the office where the tampering had taken place. The said finding was recorded after a thorough appreciation of the evidence led by the prosecution. In view of the said finding, not only accused Harchand Singh and Surjit Singh (respondents No.5 and 6 herein) were acquitted, but the other accused were also acquitted as there was only charge of conspiracy with the main accused.

After hearing the counsel for the petitioner, I do not find any illegality or infirmity in the impugned judgment passed by the trial Court. In my opinion, the trial Court on the basis of the evidence available on the record, has rightly come to the aforesaid conclusion and no other view is possible.

Hence, the criminal revision is dismissed.

September 21, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE